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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 3251 OF 1986

Uco Bank .. Plaintiffs.

vs.

M/s. Hodiwala Bbathena & Co.

& Ors. .. Defendants.

Mr. Vatsal Shah i/by Kanga & Co.

for plaintiffs.

None for Defendants.

CORAM : S.U.KAMDAR, J.

DATE : 23rd February, 2006.

P.C.

. The present suit is filed for the recovery of a sum of Rs. 96,287.14. The claim is at the foot of the account in respect of overdraft facility. The plaintiffs are also claiming interest at the rate of 17.5% with quarterly rests from the date of the suit till payment and/or realisation. it is the case of the plaintiffs that pursuant to the application made by the defendant on 15.10.1982 for over draft facility, the over draft facility was granted and in consideration thereof the defendants have executed various documents. The plaintiffs

have produced the documents which are executed by the defendants. The plaintiffs also produced the notice of demand made to the defendants and the extract of the accounts duly certified under the Bankers' Evidence Act, 1851. Though the defendants are served, there is no written statement filed. By my order dated 10.2.2006 I directed notice to both the plaintiffs and the defendants. Notice is served on the plaintiffs and their advocate. It has also been served on the defendant nos. 2, 3 and 4. Notice has come back as against defendant no. 1 saying that office is shifted. Notice has also come back from the office of the Advocate of the defendant on the same ground that the office has been shifted. In the light of the aforesaid and in view of the fact that there is no written statement on record, there shall be decree in favour of the plaintiffs and against the defendants for the sum of Rs. 96,287.14 with further interest at the rate of 12% p.a. simple rate of interest. Refund as per rules.